

LICENSING AND APPEALS COMMITTEE

Minutes of a meeting of the Licensing and Appeals Committee held at 10.00 am on 15 July 2019 in the Council Chamber, Council Offices, Holt Road, Cromer.

Members Present:

Dr P Bütikofer (Chairman)	Mrs M Millership
Mr H Blathwayt (Vice-Chairman)	Mrs G Perry-Warnes
Mr T Adams	Mr J Rest
Mr P Fisher	Mrs E Spagnola
Mr N Housden	Mr A Yiasimi
Mr N Lloyd	

Officers in attendance:

Mrs G Faircloth - Public Protection Manager
Miss C Mushonga – Legal Assistant
Miss L Yarham - Democratic Services & Governance Officer (Regulatory)

7 APOLOGIES FOR ABSENCE

Mr T FitzPatrick and Mrs P Grove-Jones sent apologies.

8 PUBLIC QUESTIONS

None received.

9 MINUTES

Licensing Sub-Committee – 5 June 2019 (1.45 pm) – Minute 6

Councillor N Housden stated that he had asked the Licence Holder if he kept a log, which had been omitted from the Minute.

Subject to the above, the minutes of the meeting of the Licensing and Appeals Committee held on 10 June 2019 and two meetings of the Licensing Sub-Committee held on 5 June 2019 were approved as correct records and signed by the Chairman.

10 ITEMS OF URGENT BUSINESS

None.

11 DECLARATIONS OF INTEREST

None.

12 PUBLIC PROTECTION – LICENSING UPDATE

The Public Protection Manager answered Members' questions on matters which had been discussed at the meetings of the Committee held on 10 June 2019 and Sub-Committees held on 5 June 2019.

In response to a question from the Chairman regarding the task and finish groups, the Public Protection Manager stated that she would email Members of the groups later in the week to set up dates, with a view to holding the first meeting of the new Taxi Handbook and Policy Task and Finish Group in September and the Licensing Policy Task and Finish Group in October or November.

The Chairman referred to Minute 6 of the Sub-Committee held on the afternoon of 5 June and asked if there had been a follow up visit to the operator to check if he was keeping a log. He considered that it was important that licensed taxi operators kept logs. He considered that a surprise visit should be carried out.

The Public Protection Manager stated that a visit had not yet been made. She explained that a private hire operator was required by law to keep a log but a hackney carriage operator was not.

Councillor N Lloyd asked if provision had been made in the taxi handbook to encourage taxi drivers to switch to electric vehicles.

The Public Protection Manager stated that electric vehicles could be used within the remit of the current policy and it was a matter for Members to decide if they wanted to add anything further. The policy contained a section detailing technical requirements for vehicles. There were some difficulties in the North Norfolk area given the limited availability of charging points.

Councillor H Blathwayt stated that he had been approached by someone who had been refused access to a taxi with her assistance dog. He understood that there were no taxi drivers in North Norfolk who were allergic to dogs and was concerned that the driver involved could have come from outside the District. He asked if the definition of an assistance dog could be included under the policy review.

The Public Protection Manager explained that there was already a requirement to carry assistance dogs in the current policy. People had different views as to what was meant by "assistance dog" and she would ensure that there was a clear definition. She confirmed that there were no current exemptions but this could cover allergies, fear of dogs etc and an exemption could be requested on the driver application form.

Councillor A Yiasimi emphasised that a phobia was a serious condition.

Licensing Update Report

The Public Protection Manager presented a report which gave an update on a call for evidence by the House of Lords in respect of the gambling industry, and an update on the licensing work of the Public Protection Team for the first half of 2019.

The Public Protection Manager requested Members' input into the consultation response to the House of Lords' call for evidence on gambling. As there were no comments forthcoming at the meeting, the Chairman requested that any comments be emailed to the Public Protection Manager.

The Public Protection Manager stated that there had been some significant issues with a new IT system which had impacted on the work of the team. However, most of the issues had now been resolved, although there were some updates which were needed to fix the outstanding issues.

The Public Protection Manager answered Members' questions on her report.

Councillor Mrs G Perry-Warnes asked if it was now possible to provide detailed information on charity and street collections which were taking place, and requested assurance that the information would be provided if requested.

The Public Protection Manager explained that information could be provided on applications which were coming through but it would not provide details of dates and times of collections. In future, the public would be able to search live data on the licensing register, whereas previously it had been updated on a monthly basis. However, the register would not contain detailed information as it was not a statutory requirement to provide it. Whilst she would do her best to provide the information if requested, it had to be gathered from the database and relied on staff resources being available. The IT provider could be requested to include this as an enhancement to the system, but this would be low priority as it was not a statutory function.

Councillor Mrs M Millership asked why some caravan sites were exempt from licensing. The Public Protection Manager explained that some caravan sites were exempt from licensing as they belonged to an organisation such as the Caravan Club and were bound by their rules. There was a long list of exempted organisations on the Government website.

In response to a question by Councillor Mrs Millership regarding a Dangerous Wild Animal licence, the Public Protection Manager explained that the licence concerned related to reindeer which had been licensed as Dangerous Wild Animals. Reindeer which had been bred outside the UK and imported were classed as dangerous wild animals whereas those bred in the UK were not. Following a complaint regarding the licensing of the reindeer, the case was investigated and expert opinion had advised that in the particular circumstances of the case the reindeer did not require a dangerous wild animal licence.

Councillor N Lloyd asked if digital transformation was making jobs more efficient as well as being more accessible to the public.

The Public Protection Manager stated that there were potential savings in time in the future as applications completed online would be populated to the database automatically, whereas they had to be input manually at present. There had been some time saving with Temporary Event Notices as letters were generated automatically. However, some time would be taken up with managing the system and ensuring it was running as it should.

Councillor H Blathwayt asked for clarification of the Disclosure and Barring Service.

The Public Protection Manager explained that this was the former CRB check. Taxi drivers required an enhanced DBS, and a basic DBS was required for personal licences, riding establishments and people working with potentially vulnerable groups.

Councillor N Housden requested a further column in future reports which detailed the enforcement action taken or pending to highlight any issues.

The Chairman asked if there was a maximum number of taxis which were sustainable in the District.

The Public Protection Manager stated that the number of taxis in the District had remained fairly constant since her appointment. There was no set maximum but the market would determine the number.

The Chairman referred to graph 6 of the report regarding service requests and complaints. He asked why the number of complaints and requests had spiked in 2016.

The Public Protection Manager explained that she had introduced a measure to encourage officers to enter their reports on the database which explained the spike in 2016. There was an issue with the database in the current year.

Councillor Mrs G Perry-Warnes asked how something was determined as a complaint.

The Public Protection Manager stated that if someone reported a problem with a licensed premises etc it would be treated as a complaint, but if they were seeking advice it would be a service request.

Councillor N Housden sought clarification of the number of taxi licences which had been issued.

The Public Protection Manager explained that drivers were issued with a dual licence which enabled them to drive hackney carriages or private hire vehicles. Hackney carriage operators were not required by law to register although this authority encouraged them to do so. Private hire vehicle operators were required by law to have an operator's licence. There was no limit on the number of taxi licences. Currently there were 273 drivers, 160 hackney carriage vehicles and 75 private hire vehicles licensed in the District but this figure could rise or fall depending on demand.

Councillor H Blathwayt asked if the Council held records for taxis which were licensed by another authority but were operating within the North Norfolk District.

The Public Protection Manager stated that the Council did not hold records for such vehicles. Most of the taxis licensed outside the area were engaged by Norfolk County Council on school contracts and it was beneficial for them to have vehicles based in the area. There was nothing to prevent them from doing so and this Council could contact their authority if there were problems.

Councillor N Lloyd queried the upward trend in inspections. He was concerned that there may be a resource issue and encouraged the Public Protection Manager to speak to him (as Portfolio Holder).

The Public Protection Manager stated that there had been fewer proactive inspections while the team had been working on the introduction of changes to animal activities licensing and that the number of inspections would rise in 2019. There were also significant enforcement cases which had taken staff away from proactive work. The Licensing Enforcement Officer was setting up a proactive programme of work and had undertaken some of the inspections under that programme.

In response to questions by Councillor Mrs G Perry-Warnes in respect of staff safety while on visits, the Public Protection Manager explained that visits were normally undertaken by one officer during working hours. They were issued with a Skyguard system which could be activated in the event of a problem. Visits were risk assessed, and if necessary they would be carried out by two officers or with Police assistance. Officers would not enter premises if they had concerns.

The Chairman asked if advance notice was given of visits.

The Public Protection Manager stated that notice was not required. Most premises were open during the day and visits would take place at a reasonable time when they were open. However, it was sometimes necessary to make an appointment.

In response to questions by Councillor N Housden in respect of scrap metal dealers, the Public Protection Manager explained that scrap metal sites were based in the District and licensed to receive scrap metal. Scrap metal collectors were mobile collectors who collected scrap within the District and took it to a site. They needed to be licensed by NNDC to collect scrap in the District but could be resident outside the District. There was a Police officer who had specific responsibility for scrap metal dealers and intelligence was shared where necessary. She was not aware of any ongoing investigations in respect of unlicensed scrap collectors in the District.

Councillor Mrs M Millership commented that the report did not include waste collectors. The Public Protection Manager stated that the Environment Agency was responsible for waste collection licences.

13 UPDATE ON TASK AND FINISH GROUPS

Taxi Handbook and Policy Licensing Policy

The Public Protection Manager confirmed that she would be setting up meetings of the two task and finish groups and would email Members later in the week.

Councillor J Rest stated that he was aware that drone operators could potentially require a licence in the near future. He asked if there was an opportunity for this Authority to take responsibility for it.

The Public Protection Manager stated that she had not seen the report but it would be a matter for the Government to determine the appropriate authority for drone licensing. She was not in a position to comment on this matter.

The Chairman outlined the procedure for commercial drone operators who already needed a licence from the Civil Aviation Authority (CAA).

Councillor Rest stated that the new requirements related to drones operated by non-commercial users.

The Chairman stated that the Government and the CAA were considering the matter.

The meeting closed at 10.31 am.

Chairman